

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #06-AR-1

**The proposed annexation of territory
in Garfield Township to the City of Newaygo,
Newaygo County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On September 22, 2006, a petition designated as Docket #06-AR-1 was filed with the State Boundary Commission requesting the annexation of certain territory in Garfield Township to the City of Newaygo. The territory proposed for annexation is described in Attachment A.
2. On January 18, 2007, at an adjudication meeting, the State Boundary Commission determined the petition to be legally sufficient.
3. On April 26, 2007, the State Boundary Commission held a public hearing in the City of Newaygo to receive public testimony.
4. On December 13, 2007, at an adjudicative meeting, State Commissioners VerBurg, Jamnick, and Priebe, and Local Commissioners Ochs and Kemperman voted unanimously to recommend that the Director of the Department of Labor & Economic Growth sign an Order to approve the annexation as petitioned, and also that commission staff prepare a draft Findings of Fact and Order.
5. On February 21, 2008, at an adjudicative meeting, the Boundary Commission voted unanimously to adopt this Summary of Proceedings, Findings of Fact and Conclusions of Law, and requested that the Order to be transmitted to the Director of the Department of Labor & Economic Growth for signature to approve the subject annexation.

INFORMATION FROM THE RECORD

1. Annexation of the subject property is requested in order to develop the area for a proposed planned-unit development that will consist of a community lodge, condominiums, public recreational amenities, and a barrier-free public river edge walkway.
2. The subject property is approximately 88 acres situated immediately south of the Muskegon River in Garfield Township. It is zoned residential and comprised mainly of large undeveloped tracts. The property is landlocked and located at the end of a dead-end city road. If annexed, this territory will constitute approximately 3% of the land area of the City.
3. The east boundary line of the area proposed for annexation splits a residential lot between City and Township jurisdiction. Annexation would allow the residential lot to be completely within the jurisdiction of the City.
4. Without annexation, the subject territory would continue to be one of several enclaves in the Township, surrounded by the City, which creates a myriad of confusion for local police, county sheriff, and emergency responders. Several other township enclaves involve businesses and properties that have a city address.
5. Garfield Township is not able to provide the necessary services and utilities, either now or in the future. The proximity and configuration of the river are major barriers that make it cost-prohibitive for the Township to be able to supply any services for any development of the property. The City has a long-standing policy of not extending its services beyond city jurisdiction.
6. City services to the subject property will ensure and maintain environmental protection, economic development, and growth. Road improvements, street lighting, storm drainage, public water and sewer service, city police, improved fire protection, and appropriate zoning can be made available by the City to the subject territory if it is annexed.
7. The subject property is included in the City's new master plan that was adopted two years ago.
8. If the subject property is annexed, the proposed development could provide the City with the opportunity it needs to reinvent itself. The City wants to continue its revitalization efforts to become a destination community—not a drive-by community.

9. The City of Newaygo provides the following services:
 - Fire (Newaygo Fire District: City of Newaygo, Brooks Twp, part of Garfield Twp)
 - Underwriters Rating: 7
 - 35 Volunteer Firefighters
 - Fire station is located within 1 mile of subject property
 - Police
 - 4 full-time officers / 6 part-time officers
 - City police station is located 1 mile from subject property
 - Public Water
 - Sanitary Sewer
 - Wastewater Treatment
 - Master Plan and Zoning Ordinance
 - Street Lights – Library – Rubbish Collection
10. The Township of Garfield provides the following services:
 - Fire (Newaygo Fire District: City of Newaygo, Brooks Twp, part of Garfield Twp)
 - Underwriters Rating: 6
 - 22 Volunteer Firefighters
 - Police: Newaygo County Sheriff
 - Master Plan and Zoning Ordinance
11. The population figures (2000 federal census):
 - City 1,670
 - Township 2,464
12. SEV 2006 – Real and Personal:
 - City \$ 61,877,100
 - Township \$107,099,800
13. Unit Millage 2006:
 - City 20.70515 (city, library, fire)
 - Township 4.00000 (general fund, roads)
14. According to the information provided in the statutory questionnaire, the 2007 SEV of the area proposed for annexation is reported as \$707,300.
15. The Township anticipates a loss of \$2,800 in property taxes if the subject territory is annexed.
16. Attempts to enter intergovernmental agreements, including a PA 425 agreement, have not been successful. The petitioner asserts that it is questionable as to whether a 425 agreement is appropriate, given that the area proposed for annexation is physically isolated from the Township, and that only the City is in a position to provide the services needed for the proposed Riverbank project.

17. Of the 12 township residents who live in the subject territory, some support and some oppose being annexed to the City of Newaygo.
18. The Muskegon River Watershed Assembly generally supports the proposed annexation due in part that city sewer and water services will be offered to the annexed area adjacent to the Muskegon River, thereby eliminating septic systems and individual wells which could negatively impact the river's water quality and groundwater influence.
19. The Newaygo County Economic Development Office supports the proposed annexation and the proposed development, and has committed \$200,000 for enhancement of the proposed trail.
20. The Township supports development on the south side of the river in the City and wants to keep development away from the north side of the river in the Township. The Township and the City have been working together for approximately three years to "push" this property onto the City side of the river.
21. The City and Township have a long history of successfully working together for the betterment of the Newaygo "community" as a whole. The Township is in support of following the City's master plan regarding the annexation and development of the subject property.
20. The City of Newaygo and the Township of Garfield both support annexation of the subject property.

FINDINGS OF FACT

1. Population, population density, land area, land uses, assessed valuations, topography, and natural boundaries and drainage basins do not preclude the area described in Attachment A from being annexed to the City of Newaygo.
2. The past and probable future urban growth, including population increase and business, commercial, and industrial development in the area proposed for annexation do not preclude the territory described in Attachment A from being annexed to the City of Newaygo.
3. Comparative data for the City of Newaygo and the remaining portion of Garfield Township does not preclude the area described in Attachment A from being annexed to the City.
4. The present cost and adequacy of providing police, fire, and emergency response services to the subject area would be economically efficient if the area described in Attachment A is annexed to the City.

5. The City of Newaygo has the financial ability and the available capacity to provide the public water, sanitary sewer, and other infrastructure services to accommodate development in the subject territory which described in Attachment A.
6. The practicability of supplying such services, and the probable effect that annexation would have on the cost and adequacy of services in the area proposed for annexation and on the remaining portion of the Garfield Township, do not preclude the area described in Attachment A from being annexed to the City of Newaygo.
7. Annexation of the area described in Attachment A will not have a deleterious effect upon the subject territory or the broader community.

CONCLUSIONS OF LAW

1. The consideration of the criteria stipulated under Section 9 of 1968 PA 191, and the testimony and information contained within the record of this docket, supports the unanimous recommendation of the State Boundary Commission that the Director of the Department of Labor & Economic Growth sign the attached Order to approve the subject annexation.


Kenneth VerBurg, Chairman

February 21, 2008

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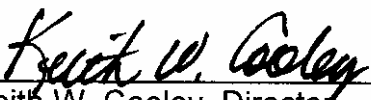
ORDER

IT IS ORDERED THAT the territory as described in Attachment A, in Garfield Township, be annexed to the City of Newaygo.

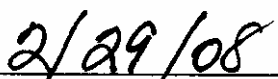
IT IS ORDERED THAT the Summary of Proceedings, Findings of Fact and Conclusions of Law, and Order approving the annexation of territory in Garfield Township to the City of Newaygo, as described in Attachment A, shall be effective on the date signed below by the Director of the Department of Labor & Economic Growth.

IT IS FURTHER ORDERED THAT in compliance with MCL 117.9(4), the State Boundary Commission shall transmit a copy of this Order and the attached Summary of Proceedings, Findings of Fact and Conclusions of Law to the clerks of the City of Newaygo, the Township of Garfield, and the County of Newaygo, and to the Secretary of State.

IT IS FURTHER ORDERED THAT in compliance with MCL 117.9(12), the State Boundary Commission shall also transmit a copy of this Order and the attached Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner, and to each property owner located within 300 feet of the area approved for annexation.



Keith W. Cooley, Director
Michigan Department of Labor & Economic Growth



Date

Attachment A

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF
SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP,
NEWAYGO COUNTY, MICHIGAN AND DESCRIBED AS FOLLOWS:

GOVERNMENT LOTS 8 AND 9.